

Judge Burgess

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,) NO. CR05-5410FDB
Plaintiff,)
v.) ORDER TO CONTINUE TRIAL
RUBEN BAEZ MANCILLA,)
Defendant.)

THIS MATTER came before the Court upon the stipulated motion of the defendant, Ruben Baez Mancilla, and his attorney Russell Leonard, and the United States, by and through John McKay, United States Attorney for the Western District of Washington, and Matthew H. Thomas, Assistant United States Attorney, for said district, to continue the trial date, and having considered all the files and records herein,

THIS COURT FINDS, pursuant to Title 18, United States Code, Section 3161(h)(8)(B)(I) that failure to grant such a continuance in the proceeding would be likely to make a continuation of such proceeding impossible, or result in a miscarriage of justice.

THIS COURT FINDS, pursuant to Title 18, United States Code, Section 3161(h)(8)(B)(iv), that failure to grant the continuance in this case, which, taken as a whole, is not so unusual or so complex as to fall within clause (ii), would deny counsel for the defendant the reasonable time necessary for effective preparation, due to counsel's

1 need for more time to review the evidence and consider possible defenses, taking into
2 account the exercise of due diligence;

3 **THIS COURT FINDS**, pursuant to Title 18, United States Code, Section
4 3161(h)(7), that this is a reasonable period of delay in that no previous motion for
5 continuance of trial has been granted, and the defendant has requested more time to
6 prepare for trial, and defendant has filed a waiver of speedy trial excluding all time from
7 the old trial date of August 1, 2005 through November 30, 2005.

8 **THIS COURT FINDS**, therefore, that pursuant to Title 18, United States Code,
9 Section 3161(h)(8)(A), the ends of justice will best be served by a continuance, and that
10 they outweigh the best interests of the public and the defendant in a speedy trial.

11 **THIS COURT FURTHER FINDS** that all of the additional time requested between
12 the original trial date of August 1, 2005 and the new trial date is necessary to provide
13 counsel for the defendant the reasonable time necessary to prepare for trial.

14 **NOW, THEREFORE, IT IS HEREBY ORDERED** that the trial date will be
15 continued until October 11, 2005, at 9:00 a.m., with a pretrial conference on September
16 30, 2005, at 3:30 p.m., and that the date within which the pretrial motions are due is
17 continued to August 2, 2005. Pre-trial filings including trial briefs, witness and exhibit
18 lists, voir dire questions, and motions in limine will now be due on September 22, 2005.

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1 The time between the current trial date of August 1, 2005 up to and including the new
2 trial date of October 11, 2005 is excluded in computing the time within which a trial must
3 be held pursuant to Title 18, United States Code, Section 3161, et. seq.

4 DATED this 13th day of July, 2005.

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6 /s/ Franklin D Burgess
7 FRANKLIN D. BURGESS
United States District Judge

8 Presented by:

9
10 s/ Russell Leonard
11 RUSSELL LEONARD
Counsel for Defendant Baez-Mancilla

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13 s/ Matthew H. Thomas
14 Assistant United States Attorney